

ORDINANCE # 01-21

**REGULATING SNOWMOBILE AND ALL-TERRAIN VEHICLE USE IN THE
TOWN OF LINCOLN**

The Town Board of the Town of Lincoln does hereby ordain as follows:

SECTION 1 – TITLE AND PURPOSE. The title of this ordinance is the “Town of Lincoln Ordinance Regulating Snowmobiles and All-Terrain Vehicles.” The purpose of this ordinance is to establish snowmobile and all-terrain vehicle (ATV/UTV) routes, to provide safe and enjoyable vehicle recreation consistent with public rights and interests. Where applicable, the provisions of this Ordinance apply equally to ATVs and UTVs. The provisions of this ordinance shall apply to the areas designated herein, including roadways within the jurisdiction of the Town of Lincoln.

All Snowmobile and ATV/UTV routes established pursuant to this ordinance shall be reviewed annually by the Town Board to consider the continued value, efficacy and need for the routes as well as inclusion of any additional Snowmobile or ATV/UTV routes, all pursuant to and in accordance with the intent of this ordinance.

SECTION 2 – APPLICABILITY. The Town Board of Supervisors of the Town of Lincoln, Adams County, Wisconsin, pursuant to the specific authority given to Towns under Sec. 350.18 and Secs. 23.33(4)(d), 23.33(8)(b) and 23.33(11) of the Wisconsin Statutes provides under this Ordinance regulations to Snowmobiles and ATV/UTV operations.

SECTION 3 – SNOWMOBILE ROUTES AND REGULATIONS.

A. State Snowmobile Laws Adopted. Except as otherwise specifically provided, the statutory provisions describing and defining regulations with respect to snowmobiles in the following enumerated sections of the Wisconsin Statutes are hereby adopted by reference and made part of this Ordinance as if fully set forth herein. Acts required to be performed or prohibited by such statute are required or prohibited by this section:

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| 1. 350.01 | Definitions |
| 2. 350.03 | Operation of Snowmobiles on or in the Vicinity of a Highway |
| 3. 350.04 | Snowmobile Races, Derbies and Routes |
| 4. 350.05 | Persons Under 12 Operating a Snowmobile |
| 5. 350.07 | Driving Bear, Deer or Other Game Prohibited |
| 6. 350.08 | Owner Permitting Operation |
| 7. 350.09 | Head Lamps, Tail Lamps and Brakes |
| 8. 350.10 | Miscellaneous Provisions for Snowmobiles Operation |
| 9. 350.12 | Registration of Snowmobiles |

B. Snowmobile Routes Designated.

1. Except as provided in Sec. 350.02 and 350.03, Wis. Stats., no person shall operate a snowmobile upon any public right-of-way, in any public park, or on any other public property in the Town, except on designated snowmobile areas.
2. The following Town roads are designated as snowmobile route(s):
 - i. Duck Creek Avenue, extending from 7th Avenue Easterly to 6th Avenue
 - ii. 4th Avenue, extending from Dover Avenue Northerly to Dakota Lane
3. Snowmobiles may not be operated on roadways of the Town other than those designated in this section, except for travel from an operator's residence for the shortest distance necessary to intersect with the designated snowmobile route or trail that is closest to their residence.
4. The Town of Lincoln reserves the right to close or modify routes at any time.

C. Additional Regulations.

1. Snow Cover. No person shall operate a snowmobile in the Town on any area designated a snowmobile route in the absence of an average snow cover in that area of less than three inches.
2. Public nuisance. No person shall operate any snowmobile at such times or in such a manner or without proper muffler equipment so as to create a public nuisance.

SECTION 4 – ATV/UTV OPERATION

- A. Pursuant to s. 23.33(4)(d)4., Wis. stats., except as otherwise provided in s. 23.33(4), Wis. stats., no person may operate an all-terrain vehicle on the roadway portion of any highway in the Town except on roadways that are designated as all-terrain vehicle routes by this ordinance.

B. Routes Designated:

1. All Town roads in the Town under the jurisdiction of the Town of Lincoln are designated ATV/UTV routes unless otherwise indicated below. This designation excludes all county, state and federal highways and all private roads.
2. The following Town-roads are not designated as an all-terrain vehicle route:
3. Operation of ATVs and UTVs shall be suspended on any road where construction or emergency conditions exist.
4. The Town of Lincoln reserves the right to close or modify routes at any time.

- C. Pursuant to 23.33(8)(e), Wis. Stats., a sign shall be erected on each highway that crosses the Town's territorial boundary alerting motorists that all highways under the jurisdiction of the Town

have been designated as all-terrain vehicle routes unless otherwise indicated. Any highway under the jurisdiction of the Town which is not designated as an all-terrain vehicle route shall have signs erected at such locations as appropriate to indicate the highway is not designated as an all-terrain vehicle route. The Town of Lincoln, or its designee shall maintain all route signs within the township.

SECTION 5 - ENFORCEMENT AND PENALTIES. This Ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin. The penalties in Wis. Stat. ss. 23.33 and 350.11 are adopted by reference.

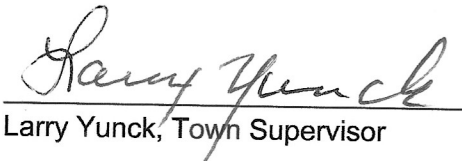
SECTION 6 – SEVERABILITY. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

SECTION 7 – EFFECTIVE DATE. This Ordinance is effective the day after proper publication or posting by the Clerk as required under Wis. Stats. 60.80, and posting of applicable signs.

Adopted this 19th day of August, 2021.

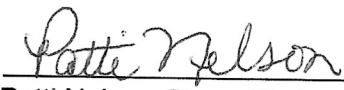


Peter J. Church, Town Chairperson



Larry Yunck, Town Supervisor

Dennis J. Thurber, Town Supervisor

Attest: 
Patti Nelson, Town Clerk